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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

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8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,511

Applicant(s)

JACOBS ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,3,6-7, 25-26, 32-34, 40-41, 48-50, 52-54, 96-98 and 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al.

a. As per claim 1, Moraes teaches a software for use on a client device that is configured for communications via a communications network comprising: a communications function that effects an advertisement download communication link between the client device and an advertisement distribution server system via the communications network (See col. 5, lines 18-21), at selected advertisement download times (See col. 7, lines 23-25); an advertisement storage function for storing the downloaded advertisement on a storage medium associated with the client device (See col. 5, lines 21-23); and an advertisement display function that effects display of at least selected ones of the stored advertisements (See col. 4, lines 19-20). However, Moraes fails to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link, at the selected advertisement download times;

Spaur teaches an on-line game playing with advertising. Furthermore, Spaur et al teaches to teach wherein the an advertisement download function that downloads

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11-13 and 70-73 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "the at least one ad server comprises a plurality of ad servers" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Claim Objections***

5. Claims 60-61, 63, 114-117 are objected to because of the following informalities: the word "and" is misspelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link (See col. 10, lines 18-22)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link, at the selected advertisement download times as taught by Spaur et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

b. As per claim 3, Moraes teaches the claimed invention as described above. However, Moraes fails to teach wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched.

Spaur et al teaches an on-line game playing with advertising. Furthermore, Spaur et al teaches wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched (see col. 10, lines 18-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched as taught by Spaur et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

c. As per claim 6, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network comprises the Internet (See col. 1, lines 44-67)

d. As per claim 7, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35).

e. As per claim 25, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches, wherein the advertisements comprise advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement (See col. 6, lines 21- 30)

f. As per claim 26, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement display function displays the stored advertisements according to the ad display parameters (See col. 6, lines 21-30).

g. As per claim 32, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches how many times that advertisement is

to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed (See col. 6, lines 67 and col. 7, lines 1-2).

h. As per claim 33, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period (See col. 6, lines 62-65)

i. As per claim 34, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how long that advertisement is to be displayed each time that it is displayed (See col. 6, lines 67 and col. 7, lines 1-2).

g. As per claim 40, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period (See col. 7, lines 3-15).

k. As per claim 41, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the ad display parameters

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specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how long that advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2).

l. As per claim 48, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is customized to the user (See col. 6, lines 53-55)

m. As per claim 49, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is tailored to the user (See col. 6, lines 53-55)

n. As per claim 50, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by based at least partially on user demographics and/or user/client device behavior (See col. 5, lines 5-7).

o. As per claim 52, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is e-mail software (See col. 3, lines 66-67 and col. 4, line 1).



p. As per claim 53, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user demographics (See col. 5, lines 5-7).

q. As per claim 54, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user/client device behavior (See col. 7, lines 8-9).

r. As per claim 96 and 99, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement display function effects display of the plurality of stored advertisements when the client device is offline (See col. 5, lines 64-67).

s. As per claim 97, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the client device is configured for communications with a multiplicity of other client devices via the communications network (See col.1, lines 27-33).

t. As per claim, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network is the internet (See col. 1, lines 44-45).

u. As per claim 104, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an installer function for installing the software on a computer-readable storage medium (See col. 10, lines 43-51)

v. As per claim 105, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the further comprising an installer function for installing the software on the client device (See col. 10, lines 43-51)

w. As per claim 106, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an installer function for installing the software on a computer-readable storage medium associated with the client device (See col. 10, lines 43-51)

Claims 5 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,298,332 to Montague.

a. As per claims 5 and 51, Moraes in view of Spaur et al teaches the claimed invention as mention above. However, Moraes in view of Spaur et al fails to teach wherein the advertisement distribution server system is controlled by a vendor of the software.

Montague teaches wherein the server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Spaur et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

8. Claims 2, 4 and 9-1 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,516,338 Landsman et al.

a. As per claim 2, Moraes in view Spaur et al teaches the claimed invention as described above. However, Moraes teaches wherein the advertisement distribution

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server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded and the at least one playlist server.

Spaur et al teaches an on-line game playing with advertising.

Furthermore, Spaur et al teaches wherein the advertisement distribution server system includes at least one playlist server (See col. 10, lines 18-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes at least one playlist server as taught by Spaur et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches wherein advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of Spaur et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

b. As per claim 4, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes fails to teach wherein the playlist(s) contains a list of the advertisements to be downloaded, and the address where each listed advertisement is stored.

Spaur et al teaches an on-line game playing with advertising. Furthermore, Spaur et al teaches wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched (see col. 10, lines 18-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement is stored as taught by Spaur et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

c. As per claim 9, Moraes in view of Spaur et al and in further view of Landsman et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network comprises the Internet (See col. 1, lines 44-67)

d. As per claim 10, Moraes in view of Spaur et al and further in view of Landsman et al teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35)

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e. As per claim 11, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach wherein the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded.

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of Spaur et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

9. Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view of U.S. Patent No. 6,298,332 to Montague.

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a. As per claim 8, Moraes in view of Spaur et al and further in view of Landsman teaches the claimed invention as described above. However, Moraes in view of Spaur et al and further in view of Landsman fails to teach wherein the advertisement distribution server system is controlled by a vendor of the software.

Montague teaches wherein the server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Spaur et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

b. As per claim 12, Moraes in view of Spaur et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Spaur et al and further in view of Landsman et al fails to teach the playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by the vendor of the software.

Montague teaches wherein a server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Spaur et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

c. As per claim 13, Moraes in view of Spaur et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Spaur et al and further in view of Landsman et al fails to teach wherein the at least one playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s).

Montague teaches wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an



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entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) as taught by Montague in the claimed invention of Moraes in view of Spaur et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 25-31).

10. Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,317,789 to Ravaky et al.

a. As per claim 14, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Spaur et al teaches wherein each advertisement is being stored in a storage location designated by a URI (See col. 2, lines 6-10) wherein the advertisement distribution server system includes one playlist server (See col. 10, lines 18-22). However, Moraes et al in view of Spaur et al fails to teach wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded.

Ravaky et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the advertisement distribution server system includes a plurality of ad

servers, each of which stores one or more of the advertisement to be downloaded (See col. 5, lines 64-67)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded as taught by Ravaky et al in the claimed invention of Moraes in view of Spaur et al in order to download the next advertisement (See col. 6, lines 2-3).

b. As per claim 15, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Spaur et al teaches wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded. However, Moraes in view of Spaur et al fails to teach wherein the corresponding storage location from which each respective advertisement can be fetched.

Rakavy et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the corresponding storage location from which each respective advertisement can be fetched (See col. 6, lines 1-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the corresponding storage location from which each respective advertisement can be fetched as taught by Ravaky et al in the

claimed invention of Moraes in view of Spaur et al in order to download the next advertisement (See col. 6, lines 2-3).

c. As per claim 16, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement download function includes: a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals (See col. 6, lines 49-53), wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist(s) is valid and does not need to be augmented, or by transmitting to the client device a new playlist(s); and a playlist comparison function that compares the ad identifiers listed in the current playlist(s) with the ad identifiers listed in the new playlist(s) (See col. 7, lines 37-43). However, Moraes fails to teach wherein the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions.

Rakavy et al teaches the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that

fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions (See col. 5, lines 64-67 and col. 6, lines 1-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions as taught by Ravaky in the claimed invention of Moraes in view of Spaur et al in order to download the next advertisement (See col. 6, lines 2-3).

d. As per claim 17, Moraes in view of Spaur et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the one or more advertisement download sessions coincide with the selected advertisement download times (See col. 19, lines 40-50).

e. As per claim 18, Moraes in view of Spaur et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the selected advertisement download times span a plurality of online e-mail sessions during which the client device is online for the purpose of sending and/or receiving e-mail messages (See col. 20, lines 57-60).

f. As per claim 19, Moraes in view of Spaur et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the selected advertisement download times coincide with times when the client device is online for a purpose other than for sending and/or receiving e-mail messages (See col. 21, lines 1-67).

g. As per claim 20, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s).

Rakavy et al teaches ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) (See col. 6, lines 31-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) as taught by Rakavy et al in the claimed invention of Moraes in view of Spaur et al in order to download and present advertisements from a network to a local computer based on user's selection of advertisement or informational categories (See col. 3, lines 10-15).

h. As per claim 21, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 1-2).

i. As per claims 22 and 23, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement download function further includes an ad fetch timer function that limits the duration of each advertisement download session to a prescribed maximum time period (See col. 7, lines 23-25).

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, further in view of U.S. Patent No. 6,317,789 to Ravaky et al and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claim 24, Moraes in view of Spaur et al and further in view of Ravaky et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al and further in view of Ravaky et al fails to teach a playlist merge function that merges the current playlist(s) and the new playlist(s).

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches a playlist merge function that merges the current playlist(s) and the new playlist(s) (See col. 8, lines 43-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a playlist merge function that merges the current playlist(s) and the new playlist(s) as taught by Difranza in the claimed invention of Moraes in view of Spaur et al and further in view of Ravaky et al in order to build an advertisement specific list indicating advertisements and time intervals for when those advertisements could potentially be displayed (See col. 8, lines 64-67).

12. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,339,795 to Narurkar et al.

a. As per claim 27, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisements comprise advertisement files (See col. 11, lines 22-25). However, Moraes in view of Spaur et al fails to teach the advertisement download function downloads separate portions of a single advertisement file over two or more advertisement download sessions.

Narurkar et al teaches an automatic transfer of address/schedule/program data between disparate data hosts. Furthermore, Narurkar et al teaches the download function downloads separate portions of a single over two or more download sessions (See col. 16, lines 56-67)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the download function downloads separate portions of a single over two or more download sessions as taught by Narurkar et al in the claimed invention of Moraes in view of Spaur et al in because a previously established connection between the client and the server may have failed during a prior downloading session (See col. 16, lines 40-50).

b. As per claim 28, Moraes in view of Spaur et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement includes an image (See col. 13, lines 25-28)

c. As per claim 29, Moraes in view of Spaur et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each image comprises one of a GIF image, a PNG image and a JPEG image (See col. 13, lines 25-28).

d. As per claim 30, Moraes in view of Spaur et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 23-25).



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13. Claims 31 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, further in view of U.S. Patent No. 6,339,795 to Narurkar et al as applied to claim 27 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

a. As per claim 31, Moraes in view of Spaur et al and in further view of Narurkar teaches the claimed invention as described above. However, Moraes in view of Spaur et al and in further view of Narurkar fails to teach wherein the advertisement download function further includes an ad fetch timer function that limits the duration of each advertisement download session to a prescribed maximum time period.

Chang et al teaches a method for accessing and retrieving information from a source maintained by a network server. Furthermore, Chang et al teaches wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed maximum time period (See abstract, lines 8-22)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed maximum time period as taught by Chang et al in the claimed invention of Moraes in view of Spaur et al and in further view of Narurkar in order to schedule data downloading without keeping computer system power on all the time till the upcoming download activities (See col. 3, lines 13-15).

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b. As per claim 55, Moraes in view of Spaur et al and in further view of Narurkar teaches the claimed invention as described above. However, Moraes in view of Spaur et al and in further view of Narurkar fails to teach an advertisement download monitor function that determines whether or not an ad download failure condition has occurred, whereby the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period.

Chang et al teaches a method for accessing and retrieving information from a source maintained by a network server. Furthermore, Chang et al teaches to teach an download monitor function that determines whether or not a download failure condition has occurred, whereby the ad download failure condition occurs when the download function has not successfully downloaded advertisements over a prescribed time period (See abstract, lines 19-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a download monitor function that determines whether or not a download failure condition has occurred, whereby the download failure condition occurs when the download function has not successfully downloaded advertisements over a prescribed time period as taught by Chang et al in the claimed invention of Moraes in view of Spaur et al and in further view of Narurkar in order to reschedule the another data download for previous unsuccessful data download (See col. 3, lines 50-51)

14. Claims 35-39 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, as applied to claim 1 above, and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claims 35 and 42, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed (See col. 4, lines 20-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the

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associated advertisement should not be displayed as taught by Difranza et al in the claimed invention of Moraes in view of Spaur et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

b. As per claim 36 and 43, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed (See col. 4, lines 20-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed as taught by Difranza et al in the claimed invention of Moraes in view of Spaur et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

c. As per claim 37,38,44 and 45, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches a maximum face time that the associated advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2). However, Moraes in view of Spaur et al fails to teach wherein the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed ;and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs (See col. 4, lines 20-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed ;and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs as taught by Difranza in the claimed invention of Moraes in view of Spaur et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

d. As per claim 39, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements how long that advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2). However, Moraes fails to teach wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period (See col. 4, lines 20-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period as taught by Difranza et al in the claimed invention of Moraes in view of Spaur et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

15. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, as applied to claim 1 above, and further in view of U.S. Patent No. 5,918,014 to Robinson.

a. As per claim 46, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server.

Robinson teaches wherein an automated collaborative filtering World Wide Web advertising. Furthermore, Robinson teaches a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server (See abstract, lines 17-28)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server as taught by Robinson in the claimed invention of Moraes in view of Spaur et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

b. As per claim 47, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie.

Robinson teaches wherein an automated collaborative filtering world wide web advertising. Furthermore, Robinson teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie (See col. 15, lines 20-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) is generated by the at least



one playlist server based at least partially on the cookie as taught by Moraes in view of Spaur et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

16. Claim 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claim 56, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach an advertisement download monitor function that determines whether or not an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a download monitor function that determines whether or not a download failure condition has occurred (See col. 2, lines 58-60)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a download monitor function that determines whether or not a download failure condition has occurred as taught by Casagrande et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claim 58, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach a disabler function that disables at least selected features of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-60).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

17. Claims 57, 59 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, further in view of U.S. Patent No. 6,339,795 to Narurkar et al further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 55 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claims 57 and 59, Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al fails to teach a disabler function that disables at least selected functions of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claims 60 and 63, Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al fails to teach an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad

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download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded as taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 61, Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al fails to teach wherein the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified (See col. 4, lines 14-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

d. As per claim 62, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period (See col. 4, lines 4-7).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period as taught by Casagrande et al in the

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claimed invention of Moraes in view of Spaur et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

e. As per claim 64, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action as taught by Casagrande et al in the claimed

invention of in the claimed invention of Moraes in view of Spaur et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

18. Claims 65, 78-82, 89-91, 93-95, 100-102 and 107-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al.

a. As per claim 65, Moraes teaches an ad download function that downloads the advertisements identified in the playlist(s) from an advertisement distribution system, via the communications network during one or more advertisement download sessions (See col. 5, lines 18-21); an advertisement storage function for storing the downloaded advertisements on a storage medium associated with the client device (See col. 5, lines 21-23); and an advertisement display function that effects display of at least selected ones of the stored advertisements on a display associated with the client device (See col. 4, lines 19-20). However, Moraes fails to teach a playlist fetch function that fetches a playlist(s) wherein the playlist(s) identifies advertisements to be fetched.

Chang et al teaches a method for accessing and retrieving information from a source maintained by a network server. Furthermore, Chang et al teaches a playlist fetch function that fetches a playlist(s) wherein the playlist(s) identifies advertisements to be fetched (See abstract, lines 6-8).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a playlist fetch function that fetches a playlist(s) wherein the playlist(s) identifies advertisements to be fetched as taught by Chang et al in the claimed invention of Moraes in order to schedule data download (See col. 3, line 27).

b. As per claim 78, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes in teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 23-25).

c. As per claim 79, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes fails to teach wherein the advertisement download function further includes an ad fetch timer function that limits the duration of each advertisement download session to a prescribed maximum time period.

Chang et al teaches a method for accessing and retrieving information from a source maintained by a network server. Furthermore, Chang et al teaches wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed maximum time period (See abstract, lines 8-22)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed



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maximum time period as taught by Chang et al in the claimed invention of Moraes in order to schedule data downloading without keeping computer system power on all the time till the upcoming download activities (See col. 3, lines 13-15).

d. As per claim 80, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed (See col. 6, lines 67 and col. 7, lines 1-2).

e. As per claim 81, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period (See col. 6, lines 62-65)

f. As per claim 82, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how long that advertisement is to be displayed each time that it is displayed (See col. 6, lines 67 and col. 7, lines 1-2).

g. As per claim 89, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is customized to the user (See col. 6, lines 53-55)

h. As per claim 90, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is tailored to the user (See col. 6, lines 53-55)

i. As per claim 91, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by based at least partially on user demographics and/or user/client device behavior (See col. 5, lines 5-7).

j. As per claim 93, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is e-mail software (See col. 3, lines 66-67 and col. 4, line 1)

k. As per claim 94, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user demographics (See col. 5, lines 5-7).

l. As per claim 95, Moraes in view of Spaur et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user/client device behavior (See col. 7, lines 8-9).

m. As per claim 100 and 103, Moraes in view Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement display function effects display of the plurality of stored advertisements when the client device is offline (See col. 5, lines 64-67).

n. As per claim 101, Moraes in view Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the client device is configured for communications with a multiplicity of other client devices via the communications network (See col.1, lines 27-33).

o. As per claim 102, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network is the internet (See col. 1, lines 44-45).

p. As per claim 107, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an

installer function for installing the software on a computer-readable storage medium  
(See col. 10, lines 43-51).

q. As per claim 108, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the further comprising an installer function for installing the software on the client device (See col. 10, lines 43-51).

r. As per claim 109, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an installer function for installing the software on a computer-readable storage medium associated with the client device (See col. 10, lines 43-51).

19. Claims 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 65 above, and further in view of U.S. Patent No. 6,625,578 to Spaur et al.

a. As per claim 66, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the playlist(s) contains a list of ad identifiers that identify respective ones of the advertisements to be fetched.

Spaur et al teaches wherein the playlist(s) contains a list of ad identifiers that identify respective ones of the advertisements to be fetched (See col. 11, lines 4-35)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) contains a list of ad identifiers that identify respective ones of the advertisements to be fetched as taught by Spaur et al in the claimed invention of Moraes in view of Chang et al in order to obtain advertising data indicative of the results of the particular advertisement (See col. 2, lines 23-24).

b. As per claim 67, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach a list of source addresses where respective ones of the advertisements to be fetched can be fetched.

Spaur et al teaches a list of source addresses where respective ones of the advertisements to be fetched can be fetched (See col. 2, lines 6-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a list of source addresses where respective ones of the advertisements to be fetched can be fetched as taught by Spaur et al in the claimed invention of Moraes in view of Chang et al in order for the advertisement to be displayed and provided (See col. 2, lines 9-10).

20. Claims 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et

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al as applied to claim 65 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view of U.S. Patent No. 6,625,578 to Spaur et al.

a. As per claim 68, Moraes in view Chang et al teaches the claimed invention as described above. However, Moraes teaches wherein the advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded and the at least one playlist server.

Spaur et al teaches an on-line game playing with advertising. Furthermore, Spaur et al teaches wherein the advertisement distribution server system includes at least one playlist server (See col. 10, lines 18-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes at least one playlist server as taught by Spaur et al in the claimed invention of Moraes in view of Chang et al in order to provide continuous or persistent advertisements (See col. 51-57).

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches wherein advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate advertisement distribution server

system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of Chang et al and further in view of Spaur et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

b. As per claim 69, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35).

c. As per claim 70, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded.

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded as taught

by Landsman et al in the claimed invention of Moraes in view of Spaur et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

21. Claims 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 65 above, further in view of U.S. Patent No. 6,516,338 Landsman et al, further in view of U.S. Patent No. 6,625,578 to Spaur et al and further in view of U.S. Patent No. 6,298,332 to Montague.

a. As per claim 71, Moraes in view of Chang et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Chang et al and further in view of Landsman et al fails to teach the playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by the vendor of the software.

Montague teaches wherein a server system is controlled by a vendor of the software (See col. 15, lines 35-36).



It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Chang et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

b. As per claim 72, Moraes in view of Chang et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Chang et al and further in view of Landsman et al fails to teach wherein the at least one playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s).

Montague teaches wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an

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entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) as taught by Montague in the claimed invention of Moraes in view of Chang et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 25-31).

22. Claims 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 65 above, further in view of U.S. Patent No. 6,625,578 to Spaur et al and further in view of U.S. Patent No. 6,317,789 to Ravaky et al.

a. As per claim 73, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein each advertisement is being stored in a storage location designated by a URI wherein the advertisement distribution server system includes one playlist server.

Spaur et al teaches wherein each advertisement is being stored in a storage location designated by a URI (See col. 2, lines 6-10) wherein the advertisement distribution server system includes one playlist server (See col. 10, lines 18-22).

However, Moraes et al in view of Chang et al fails and further in view of Spaur et al fails to teach wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded.

Rakavy et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded (See col. 5, lines 64-67)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded as taught by Ravaky et al in the claimed invention of Moraes in view of Chang et al and further in view of Spaur et al in order to select advertisement from a computer network based on user defined preferences (See abstract, lines 1-3).

b. As per claim 74, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded.

Spaur et al teaches wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded (See col. 11, lines 31-34). However, Moraes in view of Chang and further in view of Spaur et al fails to teach wherein the corresponding storage location from which each respective advertisement can be fetched.

Rakavy et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the corresponding storage location from which each respective advertisement can be fetched (See col. 6, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the corresponding storage location from which each respective advertisement can be fetched as taught by Ravaky et al in the claimed invention of Moraes in view of Spaur et al in order to download the next advertisement (See col. 6, lines 2-3).

c. As per claim 75, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement download function includes: a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals (See col. 6, lines 49-53), wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist(s) is valid and does not need to be augmented, or by transmitting to the client device a new playlist(s): and a playlist comparison function that compares the ad identifiers listed in the current playlist(s) with the ad identifiers listed in the new playlist(s) (See col. 7, lines 37-43). However, Moraes fails to teach wherein the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are

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different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions.

Ravaky et al teaches the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions (See col. 5, lines 64-67 and col. 6, lines 1-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the playlist(s) that generates a list of URIs to of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions as taught by Ravaky in the claimed invention of Moraes in view of Chang et al in order to download the next advertisement (See col. 6, lines 2-3).

d. As per claim 76, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach ad deletion

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function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s).

Rakavy et al teaches ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) (See col. 6, lines 31-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) as taught by Rakavy et al in the claimed invention of Moraes in view of Chang et al in order to download and present advertisements from a network to a local computer based on user's selection of advertisement or informational categories (See col. 3, lines 10-15).

23. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 65 above, further in view of U.S. Patent No. 6,625,578 to Spaur et al, further in view of U.S. Patent No. 6,317,789 to Rakavy et al and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claim 77, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al and further in view of Rakavy

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et al fails to teach a playlist merge function that merges the current playlist(s) and the new playlist(s).

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches a playlist merge function that merges the current playlist(s) and the new playlist(s) (See col. 8, lines 43-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a playlist merge function that merges the current playlist(s) and the new playlist(s) as taught by Difranza in the claimed invention of Moraes in view of Chang et al in order to build an advertisement specific list indicating advertisements and time intervals for when those advertisements could potentially be displayed (See col. 8, lines 64-67).

24. Claim 83-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al, as applied to claim 65 above, and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claim 83, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time

before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed (See col. 4, lines 20-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed as taught by Difranza in the claimed invention of Moraes in view of Chang et al in order to target a highly desirable demographic business population (See col. 3, lines 49-50).

b. As per claim 84, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed.



Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed (See col. 4, lines 20-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed as taught by Difranza in the claimed invention of Moraes in view of Chang et al in order to target a highly desirable demographic business population (See col. 3, lines 49-50).

c. As per claims 85 and 86, Moraes in view of Chang et al teaches the claimed invention as described above. Furthermore, Moraes teaches a maximum face time that the associated advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2). However, Moraes in view of Chang et al fails to teach wherein the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the

associated advertisement should not be displayed ;and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs(See col.4, lines 20-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the playlist(s) includes ad display parameters that include, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, any one or more of the following parameters: a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed ;and the end date/time after which the associated advertisement should not be displayed; wherein the face time comprises a time period during which a prescribed minimum level

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of user activity occurs as taught by Difranza in the claimed invention of Moraes in view of Chang et al in order to target a highly desirable demographic business population (See col. 3, lines 49-50).

25. Claims 87 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al, as applied to claim 65 above, and further in view of U.S. Patent No. 5,918,014 to Robinson.

a. As per claim 87, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server.

Robinson teaches wherein an automated collaborative filtering World Wide Web advertising. Furthermore, Robinson teaches a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server (See abstract, lines 17-28)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics,

and that transmits the cookie to the at least one playlist server as taught by Robinson in the claimed invention of Moraes in view of Chang et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

b. As per claim 88, Moraes in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Chang et al fails to teach wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie.

Robinson teaches wherein an automated collaborative filtering world wide web advertising. Furthermore, Robinson teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie (See col. 15, lines 20-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie as taught by Moraes in view of Chang et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

26. Claims 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 65 above, and further in view of U.S. Patent No. 6,298,332 to Montague.

a. As per claim 92, Moraes in view of Chang et al teaches the claimed invention as mention above. However, Moraes in view of Spaur et al fails to teach wherein the one playlist server is controlled by a vendor of the software.

Montague teaches wherein one playlist server is controlled by a vendor of the software. (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate one playlist server is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Chang et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

27. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

110. As per claim 110, Moraes in view of Spaur et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al fails to teach an advertisement display monitor function that determines whether or not an ad display failure condition has occurred, whereby the ad display failure condition occurs when the

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advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period.

Chang et al teaches advertisement display monitor function that determines whether or not an ad display failure condition has occurred, whereby the ad display failure condition occurs when the advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period (See col. 6, lines 47-51).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate advertisement display monitor function that determines whether or not an ad display failure condition has occurred, whereby the ad display failure condition occurs when the advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period as taught by Chang et al in the claimed of Moraes in view of Spaur et al in order to interrupt data downloading if the downloading time exceeded the downloading time (See abstract, lines 19-22).

27. Claim 111 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,605,120 to Fields.

a. As per claim 111, Moraes in view of Spaur et al teaches the claimed invention as described. However, Moraes in view of Spaur et al fails to teach a deadbeat user determination function that determines compliance with a prescribed ad display policy.

Fields et al teaches a deadbeat user determination function that determines compliance with a prescribed ad display policy (See col. 10, lines 55-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a deadbeat user determination function that determines compliance with a prescribed ad display policy as taught by Fields et al in the claimed invention of Moraes in view of Spaur et al in order to include for a particular web content provider (See col. 10, lines 54-55).

28. Claims 112 -115 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 110 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claims 112 and 113, Moraes in view of Spaur et al further in view of Chang et al fails to teach a disabler function that disables at least selected functions of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claims 114 and 115, Moraes in view of Spaur et al and further in view of Chang et al fails to teach an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has



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occurred taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 118, Moraes in view of Spaur et al further in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al further in view of Chang et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless

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the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action as taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in view of Spaur et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

29. Claims 116-117 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,625,578 to Spaur et al, further in view of U.S. Patent No. 6,605,120 to Fields as applied to claim 111 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claim 116, Moraes in view of Spaur et al and further in view of Fields et al fails to teach an ad display failure and function that generates an ad display failure and function that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al an ad display failure and function that generates an ad display failure and, that notifies the user that a

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condition of non-compliance with the prescribed ad display policy has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad display failure and function that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred taught by Casagrande et al in the claimed invention of Moraes in view of Spaur et al further in view of Fields et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claim 117, Moraes in view of Spaur et al further in view of Fields et al fails to teach ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view

of Spaur et al and further in view of Fields et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 119, Moraes in view of Spaur et al further in view of Fields et al teaches the claimed invention as described above. However, Moraes in view of Spaur et al further in view of Fields et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does

not take the required corrective action as taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in view of Spaur et al and further in view of Fields et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,487,583 to Gupta et al teaches a method and apparatus for local advertising.

U.S. Patent No. 6,658,465 to Touboul teaches a method and apparatus for monitoring and controlling programs in a network.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Djenane Bayard

January 7, 2004

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**